

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

SEP 30 2014

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY WJH DEPUTY

HUBERT J. FEE,

Plaintiff,

vs.

No. CIV-13-1107-W

CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,

Defendant.

ORDER

On September 8, 2014, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the decision of the defendant, Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Hubert J. Fee be reversed. Magistrate Judge Mitchell further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Mitchell's Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Mitchell that the Commissioner's decision should be reversed and the matter remanded. On remand, the Administrative Law Judge should consider all significantly probative evidence in the record¹ as case law and the regulations require. See Keyes-Zachary v. Astrue, 695 F.3d

¹Having determined that remand is warranted due to the failure of the Administrative Law Judge ("ALJ") to consider all relevant medical evidence, the Court has not considered Fee's argument that the ALJ also failed to properly apply SSR 83-20. E.g., Watkins v. Barnhart, 350 F.3d 1297, 1299 (10th Cir. 2003)(court need not reach remaining issues raised by appellant because

1156, 1166 (10th Cir. 2012); 20 C.F.R. § 404.1520(a)(3).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 17] issued on September 8, 2014;

(2) REVERSES the Commissioner's decision denying Fee's Application for Disability Insurance Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Mitchell's Report and Recommendation; and

(4) ORDERS that judgment shall issue forthwith.

ENTERED this 30th day of September, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

issues may be affected by ALJ's treatment of case on remand).